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November 20, 2023

VIA ECF

The Honorable Arun Subramanian
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Live Brands v. Gastronomico Gracias A Dios et al. (SDNY 20-cv-01213 (AS))

Dear Judge Subramanian:

I am lead trial counsel for the defendants in the above – referenced matter, and I submit this letter on behalf of all parties for two reasons: (a) to request an adjustment of the schedule for pre-trial submissions embodied in the Court’s September 18, 2023 order (the “September 18 Order”); and (b) to seek clarification as to the scope of submissions contemplated by paragraph 10 D of your Honor’s Individual Practices (the “Individual Practices”). This case has been set down for a jury trial beginning January 8, 2024, with a final pretrial conference to be held on January 3, 2024.

- (a) **Adjustment of Pre-Trial Schedule:** Under the current schedule, the pretrial submissions contemplated by paragraphs 10A – 10D of the Individual Practices are due on or before 5 PM on December 4, 2023, and the submissions contemplated by Paragraph 10F are due on December 15, 2023. The parties have conferred and believe that overall efficiency at the trial would benefit from a modest adjustment of the pre-trial submission schedule. Accordingly, we would respectfully request that the September 18 Order be adjusted as follows: the deadline for the filings contemplated by paragraphs 10A - 10D be adjourned from December 4, 2023 to December 15, 2023 and the deadline for the filings contemplated by paragraph 10F be adjourned from December 15, 2023 to December 22, 2023.
- (b) **Clarification of Paragraph 10D Submissions:** Paragraph 10D pertains to proposed *voir dire* questions and requests to charge. In our experience, some judges’ rules specify that *voir dire* questions and requests to charge be limited to

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those that are case specific. (E.g., Individual Trial Practices of Judge Lorna Schofield, Paragraph 1.A.3.) Since your Honor's rules are silent on the issue, and the parties wish to satisfy the Court's expectations, we would respectfully request clarification as to the scope of the proposed *voir dire* questions and requests to charge the Court expects from the parties.

We thank the Court in advance for its attention to these matters.

Respectfully,

/s/ Jonathan D. Lupkin

Jonathan D Lupkin

cc: All Counsel of Record (via ECF)